

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

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4 OSARHIEME UYI OBAYAGBONA,

5                   Petitioner,

6 vs.

7 JEFF SESSIONS, *et al.*,

8                   Respondents.

Case No. 2:17-cv-00884-APG-CWH

**ORDER**

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10           This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241  
11 by a person detained by the U.S. Immigration and Customs Enforcement (ICE). Petitioner is  
12 housed at the Henderson Detention Center in Henderson, Nevada. Petitioner claims that he has  
13 been detained in ICE custody since August 11, 2016, and that on August 31, 2016, an immigration  
14 judge ordered his deportation. ECF No. 1, at p. 4. Petitioner asserts that his indefinite and  
15 continued detention in ICE custody violates his Constitutional rights. *Id.* Petitioner has filed an  
16 emergency motion for a preliminary injunction, seeking immediate release from custody. ECF No.  
17 4.

18           I will direct the United States Marshal to immediately serve respondents with both the  
19 petition and petitioner's motion for release. Respondents shall have 10 days from the date of entry  
20 of this order in which to file a response to petitioner's emergency motion for immediate release.  
21 The response shall include the date of petitioner's scheduled deportation, if that date has been set.

22           **IT IS THEREFORE ORDERED** that the Clerk of Court **SHALL ELECTRONICALLY**  
23 **SERVE** copies of the petition (ECF No. 1), the emergency motion (ECF No. 4), and this order,  
24 upon respondents as follows:

25           1. By having the United States Marshal, on or before the close of business on Tuesday, June  
26 13, 2017, serve a copy of the petition (ECF No. 1), the emergency motion for a stay of deportation  
27 (ECF No. 4), and this order on the United States Attorney for the District of Nevada or on an  
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1 Assistant United States Attorney or clerical employee designated by the United States Attorney  
2 pursuant to Rule 4(i)(1)(A) of the Federal Rules of Civil Procedure.

3 2. By sending a copy of the petition (ECF No. 1), the emergency motion for a stay of  
4 deportation (ECF No. 4), and this order by registered or certified mail to the following respondents:  
5 (1) the Honorable Jeff Sessions, Attorney General of the United States, Department of Justice, 950  
6 Pennsylvania Ave. NW, Washington, DC 20530; (2) the Honorable John Kelly, Secretary of the  
7 U.S. Department of Homeland Security, 500 12<sup>th</sup> St., SW, Washington, DC 20536; and (3) Todd  
8 McWhorter, ICE Field Office Director, 2975 South Decker Lake Dr., West Valley City, UT 84119.

9 **IT IS FURTHER ORDERED** that respondents **SHALL FILE AND SERVE** a response to  
10 the emergency motion for a stay of deportation (ECF No. 4) within **13 days** from the date that this  
11 order is entered.

12 **IT IS FURTHER ORDERED** that petitioner **SHALL FILE AND SERVE** a reply to  
13 respondents' response within **10 days** of the date that petitioner is served with the same.

14 **IT IS FURTHER ORDERED** that, in its initial response, respondents **SHALL RESPOND**  
15 to petitioner's arguments and case authority in the petition seeking to establish habeas jurisdiction  
16 in this United States District Court, notwithstanding the provisions of the REAL ID Act of 2005,  
17 codified at 8 U.S.C. § 1252, which may restrict such jurisdiction.

18 **IT IS FURTHER ORDERED** that all exhibits filed by respondents and petitioner herein  
19 **SHALL BE FILED** with a separate index of exhibits identifying the exhibits by number or letter.  
20 A hard copy (courtesy copy) of all pleadings and exhibits **SHALL BE FORWARDED** on the date  
21 of filing, to the Court's Reno-based staff attorneys, in care of the Office of the Clerk of Court,  
22 United States District Court, 400 South Virginia St., Reno, NV 89501.

23 Dated this 9th day of June, 2017.

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26 \_\_\_\_\_  
27 ANDREW P. GORDON  
28 UNITED STATES DISTRICT JUDGE